UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,488	11/25/2003	Yasushi Sayama	2038-309	4367

22429 7590 10/26/2007

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER	
HAND, MELANIE JO	

ART UNIT	PAPER NUMBER
3761	

MAIL DATE	DELIVERY MODE
10/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MAILED
OCT 2 6 2007
Group 3700

Application Number: 10/720,488
Filing Date: November 25, 2003
Appellant(s): SAYAMA ET AL.

Benjamin J. Hauptman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 9, 2007 appealing from the Office action mailed January 9, 2007.

(1) Real Party in Interest

The real party in interest is Uni-charm Corporation.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,755,809	KLINE ET AL	6-2004
2003/0124928	SHERROD ET AL	7-2003
5,151,230	DAMBERG	9-1992

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 4 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for anti-slip zones comprised of inelastic thermoplastic fibers mixed with plastic elastomer fibers in a particular weight ratio and the respective types of fibers having substantially identical melting points, does not reasonably provide enablement for an anti-slip zone having an average kinetic frictional force of 0.5 or higher under a load of 58.23 g/9 cm^2 or an average kinetic frictional force of 5 N or less under a load of 340 g/9 cm^2. Such forces yield particular static and kinetic coefficients of friction that are inherent characteristics of two materials when they are sliding against one another. The values set forth in claim 4 do not produce a kinetic coefficient of friction that satisfies both ranges set forth in claim 4. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. Claims merely setting forth physical characteristics desired in article, and not setting forth specific compositions which would meet such characteristics, are invalid as vague, indefinite, and functional since they cover any conceivable combination of ingredients either presently existing or which might be discovered in future and which would impart desired characteristics.

Claims 2-4, 6-11, 13, 14, 16, 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kline et al (U.S. Patent No. 6,755,809) in view of Sherrod et al (U.S. Patent Application Publication No. 2003/0124928).

With respect to **Claim 2:** Kline teaches that diaper 20 has leg elastic cuffs. Kline does not teach that the portions of fastening element 49 responsible for resistance to peel mode disengagement (anti-slip zones) cover parts of said leg elastic cuffs or that they lie on respective extensions of said leg elastic members in the longitudinal direction.

Sherrod teaches coating a bottomsheet 28 with an anti-skid coating over substantially all of said sheet. Sherrod teaches that this prevents back and forth movement of said absorbent article, thus it would be obvious to one of ordinary skill in the art to apply a skid-resistant material to areas near the elastic leg cuffs of the article taught by Kline to prevent movement during wear that could cause chafing as taught by Sherrod.

With respect to **Claims 3,10:** Kline teaches using alternate materials near or on fastening element 49 to effect resistance to peel mode disengagement. These regions around and on fastening element extend toward a centerline bisecting a width of said diaper. Regions that are adjacent the peel-mode disengagement material areas constitute areas with a potential for disengagement, or slip zones. Such slip zones necessarily exhibit an average kinetic frictional force that is lower than the average kinetic force exhibited by the anti-slip peel mode disengagement resisting areas, as the higher frictional force in the anti-slip areas is what lends the anti-slip attribute to those areas.

With respect to **Claims 4,9:** Kline teaches a diaper 20 having chassis 22 (main portion) comprising front waist region 36, rear waist region 38 and crotch region 37 extending in a longitudinal direction between front waist region 36 and rear waist region 38. Chassis 22 has an inner, body-facing surface and an outer, garment-facing surface opposite said body-facing surface. Diaper 20 has end edges 52 that extend parallel to one another in a waist-surrounding direction, and side edges 50 extending in parallel to each other in the longitudinal (back and forth) direction crossing said waist-surrounding direction. Attached to side edges 50 are side panels 30 (pair of wing portions) in both the front and rear waist regions (claim 9) comprised of elastic material, stretchable in the waist-surrounding direction, that extend outwardly in a transverse direction of diaper 20 in each of said waist regions. A surface fastening system is comprised of at least one first fastening element 48 and at least one second fastening element 49. The elements 48 and 49 of said fastening system are disposed at the distal ends of side panels 30 (wing portions) wherein the retaining material 14 that functions as the fastening material is disposed on the inner (body-facing) surfaces of said fastening elements 48, 49, said inner surface being contiguous with the inner (body-facing) surface of side panels 30. Fastening elements 48 are releasably engagable with fastening elements 49 (landing zones) attached to the outer surface of chassis 22 in the front waist region 36 via retaining elements 14 for attaching said waist regions 36,38 together. Fastening system 40 is designed to achieve resistance against peel-mode disengagement (anti-slip) by altering the dimension of the engaging area and using alternate materials (i.e. creating anti-slip zones) near or on fastening element 49 (i.e. surrounding and/or on opposite sides of said element), which would thus be near or on the outer surface of chassis 22 in the front waist region 36. Kline teaches that backsheet 26 is comprised of a thermoplastic film, but teaches that the backsheet 26 is elastically extensible, and said backsheet 26 is comprised of blends of elastomeric films

(comprised of elastic fibers) and foams, which are comprised of inelastic fibers. ('809, Col. 5, lines 14-17)

The values set forth in claim 4 for load and frictional force yield a kinetic coefficient of friction of $\mu(k)=.9*10^{-4}$ under a load of 58.23 g/9 cm2 and $\mu(k)=0.013$ for a load of 340 g/9 cm2. Kline does not teach an average kinetic frictional force for peel mode disengagement of fastening elements 49 relative to the inner surface of side panels 30. Sherrod teaches a static coefficient of friction that is greater than 0.7. Using the kinetic coefficients of friction implicitly set forth by appellant in claim 4 to the bottomsheet 28 taught by Sherrod with anti-skid coating, the F_{rnax} (=normal force at rest) (58.23 g/9 cm^2) is 45.29 N, which is greater than 0.5 N, and F_{max} (load of 340 g/9 cm2) = 264 N. Since the coefficient of static friction of two entities is always higher than the coefficient of kinetic friction, the kinetic force taught by Sherrod will be lower than 264 N. Though Sherrod does not explicitly teach a kinetic force of 5 N or lower, such a range is considered herein to be an optimization as appellant has not set forth a particular criticality for such range of kinetic force and such range, as stated previously, is not enabled by the disclosure. Since the composition of the bottom sheet taught by Sherrod determines the kinetic force by determining the normal force via its basis weight, such composition is a result effective variable with respect to the kinetic friction force. It would be obvious to one of ordinary skill in the art therefore to modify the materials taught by the combined teaching of Kline and Sherrod so as to have a kinetic frictional force in the range set forth in claim 4 under the load set forth in claim 4.

With respect to **Claim 6:** Sherrod teaches a coating that contains copolymers (i.e. 1:1 weight ratio for the block components, equivalent to a 5:5 ratio) and thus teaches weight ratios that satisfy the ranges set forth in claim 6.

With respect to **Claim 7:** Kline teaches a mixture Sherrod teaches that the bottomsheet 28 containing elastic and inelastic fibers (by virtue of containing coating 30) is a multilaminate, therefore the outer surface layer is bonded to another non-woven film.

With respect to **Claim 8:** Sherrod teaches by reference to '179 that laminate bottom sheet 28 contains at least one meltblown layer, which would necessarily require that the inelastic and nonwoven elastic fibers have substantially identical melting points.

With respect to **Claim 11:** Kline teaches a diaper 20 having chassis 22 (main portion) comprising front waist region 36, rear waist region 38 and crotch region 37 extending in a longitudinal direction between front waist region 36 and rear waist region 38. Chassis 22 has an inner surface adapted to face a wearer in use and an outer surface adapted to face away from the wearer in use. Side panels 30 (pair of wing portions) extend outwardly in a transverse direction of diaper 20 from transversely opposite side edges 50 of chassis 22 in each of said waist regions. Side panels 30 have inner surfaces adapted to face a wearer in use and an outer surface adapted to face away from the wearer in use. Side panels 30 have distal ends and proximal ends that are closer to the respective one of the side edges 50 of chassis 22 than the respective distal end. Surface fastening system is comprised of at least one first fastening element 48 and at least one second fastening element 49. The elements 48 and 49 of said fastening system are disposed at the distal ends of side panels 30 (wing portions) wherein the retaining material 14 that functions as the fastening material is disposed on the inner surfaces of said fastening elements 28,29, said inner surface being contiguous with the inner surface of side panels 30. The proximal ends of side panels 30 are free of fastening elements. Fastening

elements 48 are releasably engagable with fastening elements 49 (landing zones) attached to the outer surface of chassis 22 in the front waist region 36 via retaining elements 14 for attaching said waist regions 36,38 together. Fastening system 40 is designed to achieve resistance against peel-mode disengagement (anti-slip) by altering the dimension of the engaging area and using alternate materials (i.e. creating anti-slip zones) near or on fastening element 49 (i.e. surrounding and/or on opposite sides of said element), which would thus be near or on the outer surface of chassis 22 in the front waist region 36. The anti-slip zones of fastening element 49 would therefore be contactable with predetermined areas of the inner surfaces of the proximal ends of side panels 30 in rear waist region 38 when the diaper is in use configuration and when the fastening elements 48 are engaged with fastening elements 49 (landing zone). Peel mode disengagement resistance resists relative movement between the predetermined areas of the proximal ends of said wing portions and the opposing waist region to a fastening element.

With respect to **Claim 13:** Please see the rejections of claims 10 and 11 in addition to the following: The outer surface of chassis 22 taught by Kline defines a slip zone as it is free of landing zone elements 49 which contain peel-mode disengagement resistance materials disposed thereon and thereabout. Kline further teaches that said backsheet 26 is comprised of blends of elastomeric films (comprised of elastic fibers) and foams, which are comprised of inelastic fibers. ('809, Col. 5, lines 14-17)

With respect to **Claim 14:** The areas of resistance to peel mode disengagement taught by Kline and located on and around fastening element 49 will necessarily exhibit a greater

coefficient of kinetic friction than that of the non-resistance areas, as this greater coefficient of kinetic friction is what lends the disengagement resistance areas the resistance capability.

With respect to **Claim 16:** Fastening elements 49 taught by Kline comprise strip members having a base body having a first region engagable with retaining material 14 (slip zone) and a second region having fibrous peel mode disengagement resistance material disposed thereon (anti-slip zone).

With respect to **Claims 18-20:** Side panel 30 is comprised of a base elastic layer and contains waist feature 34, which is comprised of inelastic film material (i.e. fibrous layer) and which defines the inner surface of the proximal end of a panel 30. Such material would necessarily exhibit a greater kinetic friction coefficient with the disengagement resistance areas (anti-slip) than predetermined areas other than the resistance areas (slip zone) as that is the nature of a peel resistance zone versus a non-peel-resistant zone.

Claims 5, 12, 15, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kline et al ('809) in view of Sherrod et al ('928) as applied to claims 2-4, 6-11, 13, 14, 16, 18, 19 and 20 above, and further in view of Damberg (U.S. Patent No. 5,151,230).

With respect to **Claim 5:** Sherrod teaches by reference to '179 that all fibers present are continuous fibers ('179, Col. 6, lines 53-55).

Neither Kline nor Sherrod teaches a mixture of elastic fibers and inelastic fibers having a particular weight ratio, or bonding said mixture to a nonwoven fabric. Damberg teaches a composite material comprising elastic fibers and inelastic polymeric binder fibers. Damberg

teaches that the elastic fibers are present in an amount between 75-95% by weight, thus the weight ratio of elastic fibers to inelastic fibers set forth in claim 5. The inelastic fibers are comprised of polyvinyl chloride (PVC) granules "or the like", which is interpreted herein as an implicit teaching of PVC fibers. Kline teaches a thermoplastic film for the nonwoven fabric that defines the outer surface of a main portion in the other of said waist regions, one example of which is nylon, which has a melting point of 338-410°F [(1)], which is substantially the same as the melting point of PVC, which is 360°F [(2)]. Damberg implicitly teaches that substantially all of the materials suitable for creating this composite are widely available commercially or are obtained by breaking down recycled products, therefore it would be obvious to one of ordinary skill in the art to modify the device of Kline and Sherrod by manufacturing the anti-slip zone from material as taught by Damberg by bonding the mixture of elastic and inelastic fibers taught by Damberg to the nonwoven fabric taught by the combined teaching of Kline and Sherrod to ease manufacturing costs and procurement of materials. ('230, Col. 1, line 65 – Col. 2, line 17)

With respect to **claim 12:** Please see the rejection of claim 5 in addition to the following: Kline teaches a thermoplastic film for said nonwoven fabric, of which PVC is an example, and Damberg teaches PVC inelastic fibers, thus the combined teaching of Kline and Sherrod and Damberg teaches a plastic ingredient of a nonwoven fabric that is exactly the same as that of inelastic fibers bonded thereto.

With respect to **claim 15:** The combined teaching of Kline and Sherrod does not teach antislip zones comprised of inelastic fibers, which are free of elastic fibers. Damberg teaches a mixture of elastic or inelastic fibers and inelastic binder fibers, thus Damberg teaches a mixture that is free of elastic fibers. Damberg implicitly teaches that substantially all of the materials suitable

for creating this composite are widely available commercially or are obtained by breaking down recycled products, therefore it would be obvious to one of ordinary skill in the art to modify the device of Kline and Sherrod by manufacturing the anti-slip zone from material as taught by Damberg by bonding the mixture of elastic and inelastic fibers taught by Damberg to the nonwoven fabric taught by the combined teaching of Kline and Sherrod to ease manufacturing costs and procurement of materials. ('230, Col. 1, line 65 – Col. 2, line 17)

With respect to **claim 17:** The combined teaching of Kline and Sherrod does not teach antislip zones comprised of inelastic fibers, which are free of elastic fibers. Damberg teaches a mixture of elastic or inelastic fibers and inelastic binder fibers, thus Damberg teaches a mixture that is free of elastic fibers. Damberg implicitly teaches that substantially all of the materials suitable for creating this composite are widely available commercially or are obtained by breaking down recycled products, therefore it would be obvious to one of ordinary skill in the art to modify the device of Kline and Sherrod by manufacturing the anti-slip zone from material as taught by Damberg by bonding the mixture of elastic and inelastic fibers taught by Damberg to the nonwoven fabric taught by the combined teaching of Kline and Sherrod to ease manufacturing costs and procurement of materials. ('230, Col. 1, line 65 – Col. 2, line 17)

With respect to **claim 21:** Kline teaches that backsheet 26 is comprised of a thermoplastic film, but teaches that the backsheet 26 is elastically extensible, and said backsheet 26 is comprised of blends of elastomeric films (comprised of elastic fibers) and foams, which are comprised of inelastic fibers. ('809, Col. 5, lines 14-17)

Neither Kline nor Sherrod teaches a mixture of elastic fibers and inelastic fibers having a particular weight ratio, or bonding said mixture to a base body that is a nonwoven fabric.

Damberg teaches a composite material comprising elastic fibers and inelastic polymeric binder fibers. Damberg teaches that the elastic fibers are present in an amount between 75-95% by weight, thus the weight ratio of elastic fibers to inelastic fibers set forth in claim 5. The inelastic fibers are comprised of polyvinyl chloride (PVC) granules "or the like", which is interpreted herein as an implicit teaching of PVC fibers. Kline teaches a thermoplastic film for the nonwoven fabric that defines the outer surface of a main portion in the other of said waist regions, one example of which is nylon, which has a melting point of 338-410°F [(1)], which is substantially the same as the melting point of PVC, which is 360°F [(2)]. Damberg implicitly teaches that substantially all of the materials suitable for creating this composite are widely available commercially or are obtained by breaking down recycled products, therefore it would be obvious to one of ordinary skill in the art to modify the device of Kline and Sherrod by manufacturing the anti-slip zone from material as taught by Damberg by bonding the mixture of elastic and inelastic fibers taught by Damberg to the nonwoven fabric taught by the combined teaching of Kline and Sherrod to ease manufacturing costs and procurement of materials. ('230, Col. 1, line 65 – Col. 2, line 17)

Kline teaches a thermoplastic film for said nonwoven fabric, of which PVC is an example, and Damberg teaches PVC inelastic fibers, thus the combined teaching of Kline and Sherrod and Damberg teaches a plastic ingredient of a nonwoven fabric that is exactly the same as that of inelastic fibers bonded thereto.

(10) Response to Argument

Appellant's arguments filed July 9, 2007 have been fully considered but they are not persuasive.

With respect to appellant's arguments regarding the first ground of rejection of claim 4 under 35 U.S.C. 112: Appellant argues that the Office has not applied the factors set forth in *In re Wands* (hereafter "Wands factor") in determining whether claim 4 is enabled by the disclosure. This is not found persuasive. The claim is rejected for a specific reason that is within the level of one of ordinary skill in the art inasmuch as it is based in physical science, thus satisfying "Wands factor" D. Wands factor "F" ,the amount of direction provided by the inventor, is sufficient inasmuch as the disclosure is enabling for the materials associated with the claimed kinetic forces, however no amount of direction provided by the inventor in the disclosure will be sufficient to overcome the fact that the claimed ranges are not enabled by physical science. Appellant has argued that "at least factors D and F were not addressed. Since appellant did not explicitly point out any other Wands factors perceived as being ignored, they will not be addressed herein. The claim is not enabled by physical science for the following reason: while the claimed average kinetic frictional force range of 0.5 N or lower under a load of 58.23 g/9 cm^2 has a range of associated inherent kinetic coefficients of friction, and the claimed average kinetic frictional force range of 0.5 N or lower under a load of 340 g/9 cm^2 also has a range of associated inherent kinetic coefficients of friction, these ranges do not overlap. That is, there is no kinetic coefficient of friction of the same material that will simultaneously yield an average frictional force of 0.5 N or lower under a load of 58.23 g/9 cm^2 and 0.5 N or lower under a load of 340 g/9 cm^2. It is proposed that a declaration under 37 C.F.R. 132 must be submitted as the only means to effectively overcome the rejection of claim 4 under 35 U.S.C. 112.

With respect to appellant's arguments regarding the second ground of rejection of claims 2-4,6-11,13,14,16,18-20: In response to appellant's arguments against the references individually (specifically Sherrod et al), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re*

Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further, with respect to argument item (i), Appellant argues that it would not be obvious to apply the skid resistant coating of Sherrod to the backsheet of Kline because such coating is arranged to contact with external objects to maintain the garment in use. This is correct, however it is not sufficient to overcome the rejection. The purpose of any anti-skid coating or other entity is to prevent undesired movement of one object relative to another. No skidding would exist if the device of Kline and Sherrod or the claimed invention was not in contact with another object and thus no anti-skid property would be necessary. Thus the fact that Sherrod's anti-skid coating is effective only with respect to external objects does not establish any distinction of the claimed invention from the combined teaching of Kline and Sherrod.

With respect to appellant's argument item (ii) that because Sherrod teaches a coating and thus does not teach elastic and inelastic fibers, again, the rejection is made over the combined teaching of Kline and Sherrod. The argument that Sherrod teaches a coating is not sufficient argument to overcome a rejection over the combined teaching of Kline and Sherrod. The rejection of claim 4 states that the elastically extensible backsheet of Kline is comprised of blends of elastomeric films (containing elastic fibers) and foams or other nonwoven products containing inelastic fibers. ('809, Col. 5, lines 14-17) Thus Kline teaches a mixture of elastic and inelastic fibers. Sherrod teaches by reference to '179 to McCormick that the elastic and inelastic fibers present in the article of Sherrod are staple <u>fibers</u> and thus satisfy the relevant limitation of claim 4. Appellant further argues that one of ordinary skill in the art would understand that a coating does not comprise fibers. While this is true, the coating has to coat something, it cannot stand alone. Sherrod teaches that it is fibers that are coated. Once the fibers are coated they assume the anti-skid property, thus Sherrod teaches elastic and inelastic fibers that define a

fibrous anti-slip zone as claimed. Appellant points out that the cited portion of Kline at Col. 5, lines 14-17 pertains to the backsheet of the instant article and not to a coating. The Office is unclear as to the significance of this statement. The coating is not taught by Kline, it is taught by Sherrod, so clearly any citation from Kline is not going to refer to a coating. Sherrod is introduced to solely meet the limitation regarding average kinetic frictional force. Kline teaches a diaper that already has resistance against peel mode disengagement in the fastening system 40. Appellant further argues that the backsheet of Kline having the coating of Sherrod would not be adapted to come in contact with the body-facing surface of the wings of the combined article. This is not persuasive because Kline teaches fastening system 40 already having anti-slip property which is naturally where one of ordinary skill in the art would put the coating of Sherrod. At no point in the Office action is it stated that one of ordinary skill in the art would be modified to place the coating of Sherrod on the backsheet of Kline. Appellant appears to be getting the references confused with one another. Sherrod is a secondary reference. The fact that Sherrod has a bottomsheet or backsheet with anti-skid coating does not in any way require the article of Kline to have same and in no way excludes the combination of the two articles because of the placement of the coating on the backsheet versus the wings or fasteners as taught by Kline. Appellant's arguments regarding McCormick are not persuasive for the sole reason that they are based upon appellant's arguments regarding the combination of Kline and Sherrod.

With respect to appellant's arguments regarding claim 4, specifically that the optimization argument applied to the limitation regarding average kinetic frictional force, these arguments are also not persuasive. The combined teaching of Kline and Sherrod teaches first wings and an undergarment surface in the opposing waist region provided in a vicinity of a second fastener means such as that taught by Kline with anti-slip zones, a feature also taught by Kline in that the

fastening system 40 as a whole, including the fasteners and the landing zones having anti-slip properties imparted therein. The fact that Sherrod teaches that the coefficients of friction are between the bottomsheet and an external object is not persuasive to overcome the rejection. The test method employed to obtain the coefficient of friction values taught by Sherrod did not involve determining the coefficient of friction between the exterior surface and an external object but rather between a cotton fabric material and a sample of the absorbent article having the bottomsheet material having the instant coating. Thus effectively the specimen is of the bottomsheet with coating as far as coefficient of friction is concerned. ('928, ¶0072) Cotton fiber fabric material is taught by Kline in Col. 5, lines 56-65 as being a material for topsheet 24 that constitutes the material of the body-facing surface of the wings 30. Sherrod teaches a coefficient of friction between said cotton fabric material and a backsheet material comprised of materials substantially identical to the backsheet materials of Kline, e.g. thermoplastic film comprised of polypropylene. ('809, Col. 4, lines 45-49; '928, ¶0034) Thus the coefficient of friction value taught by Sherrod is valid. Further, the value is a result-effective variable because Sherrod teaches that the range of coefficients of friction have sufficient skid resistance to resist movement of the article. ('928, ¶0038)

With respect to appellant's arguments regarding claim 8: Appellant argues that the rejection is unclear because Sherrod does not teach that the fibers of the meltblown bottom sheet 28 and the skid-resistant coating 30 have substantially the same melting point. Appellant is reminded that claim 8 sets forth "said inelastic fiber and sheet material" claimed in claim 7. Claim 7 sets forth that said anti-slip zone comprises inelastic fiber and elastic fiber mixed together and bonded to a sheet material. Sherrod teaches clearly that the bottomsheet 28 which defines an anti-slip zone because of the presence of the coating comprises a laminate of a polypropylene blown film, considered herein to be synonymous with a meltblown film. Meltblown

films by their nature comprise fibers that define the web, in this case polypropylene which is an elastic fiber, and inelastic binder fibers that melt and bond the elastic fibers to each other and/or another layer. Thus by teaching a blown/meltblown film, Sherrod is teaching a mixture of elastic and inelastic fibers bonded to a sheet material, i.e. the nonwoven fabric layer explicitly taught. ('928, ¶0034) In order to laminate a meltblown film to a nonwoven fabric layer successfully, the two layers necessarily have fibers with substantially equal melting points-otherwise only the one layer would melt and would not bond sufficiently to the other layer to create the laminate. Thus the inelastic fibers of the mixture (i.e. the polypropylene layer) necessarily have the same melting point as the sheet material. Thus the anti-slip coated material of the combined teaching of Kline and Sherrod meets the limitation of claim 8.

With respect to appellant's argument regarding claim 11: Again, appellant is advised that arguing Kline alone is not sufficient to overcome the rejection. Appellant argues that the fastening elements 40 fall outside the anti-slip zone. This is not found persuasive. Respectfully, the fastening system 40 is the anti-slip zone and therefore no portion of said system call fall outside said zone. All anti-slip property is taught clearly and repeatedly by Kline in reference to Figs. 3A,B, 4A,B and 6A,B as peel mode disengagement in either the y-z plane or x-z plane of the fastening system (see e.g. Fig. 10, Col. 14, lines 14-25). As to appellant's argument of no anti-slip zone "near" the landing zone of Klein, it is noted that the features upon which appellant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellant's arguments regarding claim 13 are based upon appellant's arguments regarding claim 11 addressed *supra* and are therefore also not persuasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Melanie J. Hand

Conferees:

Tatyana Zalukaeva

Tom Barrett

Tom Barrett
TC3700 TQAS

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER